

**WASHINGTON STATE BOUNDARY REVIEW BOARD  
FOR KING COUNTY**

**REGULAR MEETING MINUTES**

**June 09, 2005**

**I. CALL TO ORDER**

Chair Tessandore convened the meeting at 7:00 p.m.

**II. ROLL CALL**

Charles Booth	Robert Cook
A. J. Culver	Jim Denton
Lynn Guttman	Claudia Hirschey
Roger Loschen	Michael Marchand

**III. MINUTES**

Regular Meeting: Chair Tessandore presented the minutes of the Regular Meeting of May 12, 2005 for review and action by the Board members.

*Action: Charles Booth moved and Robert Cook seconded the motion to adopt the minutes of the Regular Meeting of May 12, 2005. The Board voted (6 in favor) to approve this record. Judy Tessandore abstained as she did not attend the meeting.*

Special Meeting/Public Hearing - City of Renton Park Terrace: Chair Tessandore presented the minutes for the Special Meeting/Public Hearing of May 23, 2005 for the review and action by the Board members.

*Action: Roger Loschen moved and Charles Booth seconded the motion to adopt the minutes of the Special Meeting/Public Hearing of May 23, 2005. The Board voted (8 in favor) to approve this record. A.J. Culver abstained as he did not attend the meeting.*

Special Meeting/Public Hearing - City of Renton Park Terrace: Chair Tessandore presented the minutes for the Special Meeting/Public Hearing of May 24, 2005 for the review and action by the Board members.

*Action: Charles Booth moved and Roger Loschen seconded the motion to adopt the minutes of the Special Meeting/Public Hearing of May 24, 2005. The Board voted (7 in favor) to approve this record. A.J. Culver and Claudia Hirschey abstained as they did not attend the meeting.*

**IV. CURRENT BUSINESS**

**A. File No. 2168 Redmond Rose Hills:**

Chair Tessandore reported that the Superior Court was convened on June 9, 2005 to review File No. 2168 (City of Renton - NE Rose Hills). Robert Kaufman, Special Assistant Attorney General, represented the Board at that hearing. In order to discuss the status of File No. 2168 – because it is the subject of judicial review – the Board must enter into Executive Session.

*Action: Roger Loschen moved and Charles Booth seconded a motion that the Board enter into an Executive Session (15 minutes) to review the Superior Court proceedings with respect to File No. 2168. The Board voted unanimously in favor of this motion. The Executive Session commenced at 7:35 p.m.*

The Board returned to the Regular Session at 7:50 p.m.

## **V. ADMINISTRATION**

### **A. CHAIR'S REPORT**

#### General Business:

Chair Tessandore and Lenora Blauman reported that the Board is currently working on several projects including: (1) coordinating programs with King County Executive/Council Work Program; (2) coordinating efforts with the State Association to develop and implement positions on proposed legislation at the Legislature's 2005 Interim Session; (3) administration of the proposed Fairwood Incorporation; (4) pre-development review for future Notices of Intention; and (5) preparation of the Year 2006 Budget Proposal. Committee members and staff will report on these activities.

WSABRB Spring Workshop: Chair Tessandore reported that the Association Spring Training Workshop took place on May 18, 2005.

Board members who attended the Workshop stated that the meeting included several interesting sessions on Boundary Review Board law and procedures and on related matters, such as SEPA requirements. A mock hearing provided the basis for discussion concerning the role and responsibilities of boundary review boards. There were also some opportunities for group discussion and networking – which is particularly valuable for new members.

Workshop notebooks are available for members who were unable to attend the event.

#### Board Membership:

Chair Tessandore reported that Jim Denton has submitted a letter of resignation from the Board effective June 30, 2005. Ms. Tessandore reported that she has regretfully accepted Mr. Denton's resignation. However, she has requested that Mr. Denton remain on the Board through the Regular July meeting in order to participate in final decisions with respect to the City of Renton Park Terrace Annexation, the City of Issaquah Klahanie Annexation and the City of Issaquah Greenwood Point/South Cove Annexation. Mr. Denton has agreed to do so and will submit a revised letter of resignation, effective July 17, 2005.

Mrs. Blauman reported that the Water & Sewer District will present candidates to the Boundary Review Board on June 20, 2005. The Board's Nominations Committee will then conduct interviews for a new member. Nominations Committee recommendations will be presented to the Board for formal action on July 14, 2005.

#### Public Hearing Process - Debriefing:

Chair Tessandore stated that with several public hearings recently accomplished and several more hearings on the docket, it seems an appropriate time for the Board to take some time to "debrief" concerning our public hearing rules and processes so that the Board can determine how to best serve our members, government officials, and the citizens of King County.

Chair Tessandore invited Board members to share comments, questions and ideas concerning:

- Public hearing organization and protocols; and
- Successful aspects of preparation for and conducting of the public hearing; and
- Services which would benefit from improvement in order to provide Board members with materials for the hearing, responding to questions in advance of/at the hearing, organizing the hearing agenda, and conducting the public hearing (e.g., maps, data).

Discussion included the following matters:

- The Board's decision to approve, modify, or deny a proposed Notice of Intention must be based upon the official record – including written documents, site/location maps, surrounding vicinity maps, exhibits, studies, public testimony, and related materials.

The Boundary Review Board official file, therefore, should include all basic materials required for the Notice of Intention.

The Board file should also include supplemental documents (e.g., governance studies, fiscal studies) as necessary for the review process. These materials may be provided directly to the Board members in the review packet. Alternatively, the Board members may be provided with a listing of such documents which would be available for independent access (e.g., web site, e-mail) from the official file and/or from another approved information source.

- Board members may submit to the Board staff inquiries and/or requests for additional information or materials. Board staff will then secure requested data in advance of the public hearing or request that the appropriate party (e.g., government official, consultant, technical expert) be prepared address the matter in question at the public hearing.
- The Board's public hearing process for the Notice of Intention should provide a comprehensive review of the record and permit opportunities for all interested persons to testify on the matter. Conducting the hearing in/near the affected community facilitates community participation.

Systematic and consistent administration of the public hearing is required to ensure a review process that is consistent with the statutory mandate under which the Board functions and which appropriately serves the community. Therefore, the Board Chair must coordinate all elements of the hearing. Toward that goal:

- The Board's public hearing process should be completely and clearly described to the public hearing participants – government officials, legal counsel, technical consultants, community groups, and individual citizens.
  - The hearing process should be conducted in an orderly manner. For example: all speakers should be recognized and identified prior to providing testimony, requesting general information, and submitting specific questions to be directed to particular individuals (e.g., government officials, legal counsel, technical consultants). Informal communications jeopardize the ability of the Board to provide the record that is required by statute.
  - At the conclusion of the hearing, the Board should provide the citizens with clear information concerning the decision to continue or close the public hearing, the deliberations and decision process of the Boundary Review Board, and the following process by the proposing jurisdiction to confirm the action by the Board.
- In coming to a decision concerning a Notice of Intention, the Board is required to conduct deliberations based upon RCW 36.93 RCW 36.70A; the King County Comprehensive Plan; and other State, regional, and local statutes, plans, and standards. The record for the Notice of Intention must be sufficient to permit the Board to consider an action with respect to all applicable statutes, plans, and other such guidelines.

The Board may consider each standard applicable to a Notice of Intention as an individual component of the review process. Alternatively, the Board members may choose to rely upon the record to address basic standards and then to focus deliberations upon those standards which are considered to be particularly germane to the Notice of Intention.

A complete listing of the Boundary Review Board Act criteria (RCW 36.93.170 and RCW 36.93.180) will be made available to each Board member for each public hearing for a Notice of Intention in order to facilitate the most effective deliberation process.

The review process should be sufficiently open to encourage full participation by each Board member. However, Board members should be permitted to volunteer – rather than be compelled – to speak for the record.

- At the conclusion of deliberations, the Board must take formal action to establish a preliminary decision concerning the Notice of Intention. The Board must direct staff to prepare a Resolution and Hearing Report based upon the preliminary decision.

Staff will provide the preliminary Resolution and Hearing Report to the Board. The Board will then take formal action to establish a final decision for a Notice of Intention. Following that final Boundary Review Board decision there is a 30 day appeal period to Superior Court.

- The Boundary Review Board legal counsel and professional staff members are available at any time to address interests and questions of Boundary Review Board members with respect to laws and procedures for public hearings.

#### **B. COMMITTEE REPORTS**

##### Budget Committee:

*Year 2006 Budget Proposal:* A.J. Culver and Lenora Blauman reported that the Year 2006 Budget Proposal development is underway. Several new/expanded documents are being required for the Year 2006 Budget Proposal including:

- *A White Paper:* All County agencies are being required to provide white papers on various issues relating to budgeting for mandatory and optional programs. The Board is required to provide a White Paper which addresses the ways in which our agency will manage our Year 2006 Work Program within the funds provided in the Year 2006 Budget.
- *Performance Measures:* Each year, the Board is required to provide a listing of required and optional programs. For each program the Board has been required to provide performance measures and to detail the ways in which our agency will work to achieve those measures. For Year 2006, the Board is also required to detail – by quarter – the levels of success/failure in achieving those measures and the funding expended in the quest to achieve benchmarks.
- *Healthy Incentives Programs:* The County will be providing to each agency funds to be dedicated to health improvement. Each agency will be required to provide documentation describing the proposed health incentives program and the ways that the funds will be utilized to achieve program goals. The Board will receive \$25.00 per employee – or \$50.00.

Mrs. Blauman reported that she preparing the draft Year 2006 Budget Proposal documents. The package will be transmitted to the Budget Committee for review and comment on or about June 27. Mrs. Blauman will then prepare the final Budget Proposal for the King County Office of the Budget on or about July 05, 2005.

*The Year 2005 Budget Supplement:* The Year 2005 Budget Supplement requested to support the large number of public hearings scheduled for this year has been approved by the Office of the Budget. The proposal will be transmitted to the King County Council Budget Committee for review and action in July, 2005

### **C. Executive Secretary's Report**

#### **Regular Meeting Schedule for the Boundary Review Board**

The July Regular Meeting of the Boundary Review Board will take place on the regularly scheduled date (July 14, 2005.) At that meeting the Boundary Review Board will be presented with Resolution and Hearing Reports for Final Decision for the following files:

- File No. 2186 City of Renton Park Terrace Annexation
- File No. 2191 City of Issaquah Klahanie Annexation
- File No. 2192 City of Issaquah Greenwood Point/South Cove Annexation

#### **Fairwood Incorporation Proposal:**

Mrs. Blauman stated that, on May 26, 2005, the Fairwood Task Force and Fairwood citizens met with Michael Thomas (King County Office of the Executive) and Berk & Associates (represented by Brett Sheckler), the independent consultant who is preparing the Governance Study for the proposed Fairwood Incorporation.

Mr. Sheckler presented the basic study scope and initial study data to the Fairwood Citizens group. A positive and interesting discussion reportedly ensued. Mr. Sheckler will reportedly employ new information obtained at the community meeting in proceeding with the Incorporation Study.

WSABRB Fall Conference: Planning for the Association's Fall Conference (scheduled for September 28 – 30 in Bellingham, Washington) is well underway. Members have received a notice to save the dates.

The theme is confirmed as "Growth Management." With sessions addressing a variety of growth management issues, such as land development and moratoria; services provision (e.g., water resources and water rights); and environmental preservation (e.g., best available sciences). There will also be a session on Measure 37 – Oregon's new law that requires the government to compensate land owners for limitations placed on land uses. Ideas for other program topics, speakers, and activities are welcome. Sessions will address the present and future role of the boundary review boards with respect to growth management.

Fall Conference materials will be provided in July, 2005.

### **D. CORRESPONDENCE**

Correspondence was reviewed briefly. No questions or issues were raised with respect to the substance of the correspondence.

## **VI NEW BUSINESS**

### **A. NOTICES OF INTENTION**

#### **File No. 2199: City of Renton Anthone Annexation**

The City of Renton proposes the annexation of approximately 4.84 acres, known as the Anthone Annexation. This annexation was proposed by petition under RCW 35A.14. Renton City Council has adopted the petition.

Renton officials have stated intent to invoke jurisdiction to expand the Anthone Annexation. However, to date, no formal request has been submitted to the Boundary Review Board.

The Board members presented no substantive comments of questions concerning the proposed annexation.

**B. PENDING FILES**

Auburn	Bellevue	Black Diamond
Covington	Federal Way	Issaquah
Kent	Kirkland	Redmond
Renton (4 files)	Ronald Sewer District	Sammamish
Tukwila	Woodinville	

**VII. ADJOURNMENT**

Action: Michael Marchand moved and Charles Booth seconded a motion to adjourn the Boundary Review Board Regular Meeting. The Board voted unanimously in favor of the motion. The meeting was adjourned at 8:35 p.m.